

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION **RECEIVED**

In the Matter of:)
)
THE ANNUAL COST RECOVERY FILING)
FOR DEMAND SIDE MANAGEMENT BY) CASE NO. 2004-00389
THE UNION LIGHT, HEAT AND POWER)
COMPANY)

NOV 12 2004
PUBLIC SERVICE
COMMISSION

**MOTION OF NORTHERN KENTUCKY COMMUNITY
ACTION COMMISSION, INC. TO INTERVENE
AND FOR ESTABLISHMENT OF A PROCEDURAL SCHEDULE**

Comes Northern Kentucky Community Action Commission, Inc. (hereinafter referred to as "NKCAC"), P.O. Box 931, Covington, Kentucky 41012, by counsel, pursuant to 807 KAR 5:001 Section 3(8), and hereby moves the Commission to intervene as a full party in this proceeding, and for the establishment of a procedural schedule. In support of this motion, NKCAC states as follows:

1. NKCAC is a non-profit, 501(c)(3), community action agency which provides social services, including energy assistance and related services, to numerous low income residents in the service territory of Union Light, Heat and Power Company (hereinafter referred to as "ULHP"). As such, it is likely to present issues and provide a perspective which is not likely to be presented by the other parties to this proceeding, and its interests are not adequately represented by other parties to this proceeding. NKCAC's participation will not unduly delay these proceedings.
2. In this proceeding, the Commission will examine the request by ULHP to

continue its energy education and bill assistance program as well as its request to adjust its 2005 demand side management (DSM) cost recovery mechanism, both of which have a significant impact on the low-income clients of NKCAC.

3. NKCAC administers the energy education and bill assistance program, known as the “Payment Plus Program,” for ULHP. In addition, NKCAC administers the state’s weatherization program within the service territory of ULHP. Finally, NKCAC administers the federal LIHEAP program, the Certificate of Financial Need (CFN) program, and the WinterCare program, all of which provide utility bill paying assistance for low-income persons within the service territory of ULHP.
4. NKCAC expects to present testimony from Brian Angus, Executive Director. Additionally, NKCAC may choose to present testimony from other witnesses not yet identified.
5. The intervention of NKCAC into this action is likely to present issues and facts that will not be adequately addressed or represented by any other party and will be helpful to the Commission in fully considering the matters without unduly complicating or disrupting this proceeding.
6. NKCAC respectfully requests that it be granted leave for full intervention and to participate fully as a party in this proceeding, including the right to present testimony and exhibits, present witnesses, and cross examine witnesses.

7. In addition, NKCAC requests the Commission to establish a procedural schedule in this action, which includes adequate time within which to conduct discovery.



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**ATTORNEY FOR NORTHERN
KENTUCKY COMMUNITY ACTION
COMMISSION, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing motion has been served on the parties hereto by mailing the same to their counsel of record:

John J. Finnigan, Jr., Esq.
The Union Light Heat & Power Co.
139 E. Fourth Street
Cincinnati, OH 45202

Iris Skidmore, Esq.
Office of Legal Services
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on this the 12th day of November, 2004.



JOE F. CHILDERS